

ORDINANCE NO. 980226-E

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:

THREE TRACTS OF LAND OUT OF THE JESTER VILLAGE TWO SUBDIVISION, CONSISTING OF APPROXIMATELY 0.285 ACRES OF LAND, FROM "LR" NEIGHBORHOOD COMMERCIAL DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 6601 JESTER BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "LR" Neighborhood Commercial district to "GR-CO" Community Commercial district-Conditional Overlay combining district on the property (the "Property") described in File C14-97-0162, as follows:

Tract 1: 0.038 acre tract of land out of Lot 2, Block A, Jester Village Two Subdivision, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance.

Tract 2: 0.086 acre tract of land out of Lot 2, Block A, Jester Village Two Subdivision, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance.

Tract 3: 0.161 acre tract of land out of Lot 3, Block A, Jester Village Two Subdivision, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance,

locally known as 6601 Jester Boulevard, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

PART 2. The Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. Use of Tract 1 is restricted to dry cleaning and those "LR" uses permitted in the "GR" district.
2. Use of Tracts 2 and 3 is restricted to restaurant (general) and those "LR" uses permitted in the "GR" district.
3. The following uses of the Property (Tracts 1, 2, and 3) are prohibited:

- Automotive Rentals.
- Automotive Sales.
- Automotive Washing (of any type).
- Business or Trade School.
- Business Support Services.
- Commercial Off-Street Parking.
- Communications Services.
- Drop-Off Recycling Collection Facility.
- Exterminating Services.
- Funeral Services.
- General Retail Sales (General).
- Hotel-Motel.
- Indoor Entertainment.
- Indoor Sports and Recreation.
- Medical Offices - Greater than 5,000 square feet.
- Outdoor Entertainment.
- Outdoor Sports and Recreation.
- Pawn Shop Services.
- Personal Improvement Services.
- Research Services.
- Restaurant (General). NOTE: Tract 1 only
- Restaurant (Fast Food, Drive-In).
- Theater.
- Community Recreation (Private and Public).
- Congregate Living.
- Hospital Services (Limited and General).
- Residential Treatment.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the "GR" Community Commercial base district and other applicable requirements of the Land Development Code.

PART 3. The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on March 9, 1998.

PASSED AND APPROVED

February 26

, 1998.

§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

Andrew Martin

Andrew Martin
City Attorney

ATTEST:

James E. Aldridge

James E. Aldridge
City Clerk

EXHIBIT "A"

TRACT I
0.038 ACREDESCRIPTION

FIELD NOTES FOR A 0.038 OF ONE ACRE TRACT OF LAND, BEING OUT OF LOT 2, BLOCK A, JESTER VILLAGE TWO, A SUBDIVISION RECORDED IN BOOK 99, PAGES 251-252 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 2, BLOCK A, BEING A PORTION OF THE PROPERTY DESCRIBED IN WARRANTY DEED TO THE BEARD ELEVEN, LTD., OF RECORD IN VOLUME 12603, PAGE 732, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.038 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the northeast corner of the herein described tract, from which an iron rod found at the northeast corner of Lot 1, Block A, of said Jester Village Two, and the southeast corner of that certain tract of land conveyed to Beard Family Partnership in deed recorded in Volume 12618, Page 566, Real Property Records of Travis County, Texas, and being in the west line of that certain tract of land conveyed to Josie E. Champion et al, in deed recorded in Volume 482, Page 627, Deed Records of Travis County, Texas, bears, S 60°00'00" E, a distance of 158.52 feet, and N 30°01'07" E (bearing basis), a distance of 291.23 feet;

THENCE, with the east, south, west and north line of the herein described tract the following four courses and distances:

- 1) S 30°00'00" W, a distance of 66.25 feet;
- 2) N 60°00'00" W, a distance of 25.00 feet;
- 3) N 30°00'00" E, a distance of 66.25 feet;
- 4) S 60°00'00" E, a distance of 25.00 feet, to the POINT OF BEGINNING, containing 0.038 of one acre of land within these metes and bounds.

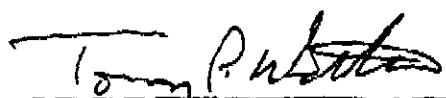
EXHIBIT "A"

Reference is herein made to a sketch of Tract I of even date accompanying this description.

Bearing Reference: Southeast line of Jester Village Two, a subdivision recorded in Book 99, Pages 251-252, Plat Records of Travis County, Texas.

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



Tommy P. Watkins
Registered Professional Land Surveyor No. 4549
Date: October 3, 1997

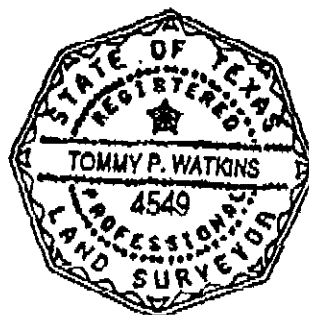


EXHIBIT "A"

TRACT II
0.086 ACREDESCRIPTION

FIELD NOTES FOR A 0.086 OF ONE ACRE TRACT OF LAND, BEING OUT OF LOT 2, BLOCK A, JESTER VILLAGE TWO, A SUBDIVISION RECORDED IN BOOK 99, PAGES 251-252 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 2, BLOCK A, BEING A PORTION OF THE PROPERTY CONVEYED TO THE BEARD ELEVEN, LTD., RECORDED IN VOLUME 12603, PAGE 732, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.086 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the northeast corner of the herein described tract, from which an iron rod found at the northeast corner of Lot 1, Block A, of said Jester Village Two, and the southeast corner of that certain tract of land conveyed to Beard Family Partnership in deed recorded in Volume 12618, Page 566, Real Property Records of Travis County, Texas, and being in the west line of that certain tract of land conveyed to Josie E. Champion et al, in deed recorded in Volume 482, Page 627, Deed Records of Travis County, Texas, bears, S 60°00'00" E, a distance of 283.52 feet, and N 30°01'07" E (bearing basis), a distance of 291.23 feet;

THENCE, with the east, south, west and north line of the herein described tract the following four courses and distances:

- 1) S 30°00'00" W, a distance of 75.25 feet;
- 2) N 60°00'00" W, a distance of 50.00 feet;
- 3) N 30°00'00" E, a distance of 75.25 feet;
- 4) S 60°00'00" E, a distance of 50.00 feet, to the POINT OF BEGINNING, and containing 0.086 of one acre of land within these metes and bounds.

EXHIBIT "B"

Reference is herein made to a sketch of Tract II of even date accompanying this description.

Bearing Reference: Southeast line of Jester Village Two, a subdivision recorded in Book 99, Pages 251-252, Plat Records of Travis County, Texas.

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

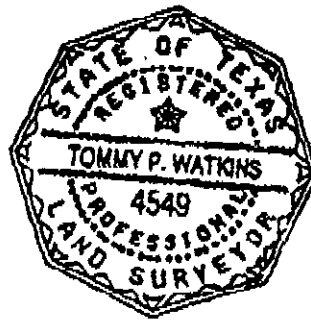
CUNNINGHAM-ALLEN, INC.



Tommy P. Watkins

Registered Professional Land Surveyor No. 4549

Date: October 3, 1997



DESCRIPTION

FIELD NOTES FOR A 0.161 OF ONE ACRE TRACT OF LAND, BEING OUT OF LOT 3, BLOCK A, JESTER VILLAGE TWO, A SUBDIVISION RECORDED IN BOOK 99, PAGES 251-252 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 3, BLOCK A, BEING A PORTION OF THE PROPERTY CONVEYED TO THE BEARD ELEVEN, LTD., RECORDED IN VOLUME 12603, PAGE 732, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.161 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the northeast corner of the herein described tract, from which an iron rod found at the northeast corner of Lot 1, Block A, of said Jester Village Two, and the southeast corner of that certain tract of land conveyed to Beard Family Partnership in deed recorded in Volume 12618, Page 566, Real Property Records of Travis County, Texas, and being in the west line of that certain tract of land conveyed to Josie E. Champion et al, in deed recorded in Volume 482, Page 627, Deed Records of Travis County, Texas, bears, S 60°00'00" E, a distance of 416.94 feet, and N 30°01'07" E (bearing basis), a distance of 643.38 feet;

THENCE, with the east, south, west and north line of the herein described tract the following four courses and distances:

- 1) S 30°00'00" W, a distance of 101.25 feet;
- 2) N 60°00'00" W, a distance of 25.79 feet;
- 3) N 30°00'00" E, a distance of 6.20 feet;
- 4) N 49°18'38" W, a distance of 43.79 feet;
- 5) N 30°00'00" E, a distance of 15.69 feet;
- 6) N 60°00'00" W, a distance of 6.18 feet;
- 7) N 30°00'00" E, a distance of 71.24 feet;
- 8) S 60°00'00" E, a distance of 75.00 feet, to the POINT OF BEGINNING, containing 0.161 of one acre of land within these metes and bounds.

EXHIBIT "C"

Reference is herein made to a sketch of Tract III of even date accompanying this description.

Bearing Reference: Southeast line of Jester Village Two, a subdivision recorded in Book 99, Pages 251-252, Plat Records of Travis County, Texas.

I hereby certify that this description was prepared from the results of a survey made on the ground under my supervision.

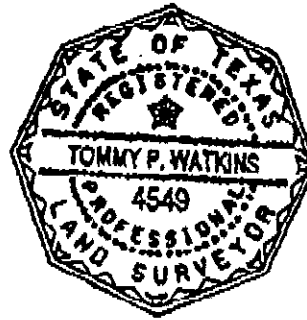
CUNNINGHAM-ALLEN, INC.



Tommy P. Watkins

Registered Professional Land Surveyor No. 4549

Date: October 3, 1997



PUD

IVANHOE (C.O.A.)

UNDEVELOPED

95-135
(14-8-83)

SF-1
*

JESTER BOULEVARD

JESTER BLVD.

TRACT 2

95-097

TRACT 1

DR

VACANT

LR

F.M. 2222

UNDER CONSTRUCTION

TRACT 3

UNDEVELOPED

TRAVIS COUNTY

SF-2

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: C.ALTER

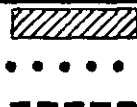


EXHIBIT "D" ZONING

CASE #: C14-97-0162

ADDRESS: 6601 JESTER BLVD.

SUBJECT AREA (acres): 0.285

DATE: 97-12

INTLS: TRC

CITY GRID
REFERENCE
NUMBER

F31

1" = 200'

980526 R

Austin American-Statesman

PO#: 980226E
Ad ID#: 3GM400600
Acct#: 5124992499
Account Name: CITY CLERKS OFFICE

CITY CLERKS OFFICE
PO BOX 1088
AUSTIN, TX 78767

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

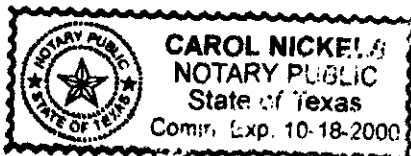
SHARON JANAK

Classified Advertising Agent of the Austin American-Statesman, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

First Published:	3/18/98	Last Published:	3/18/98
Times Published:	1	Classification:	9980
Lines:	17	Cost:	\$47.43

and that the attached is a true copy of said advertisement.

SWORN AND SUBSCRIBED TO BEFORE ME, this the 18th day of March 1998



Carol Nickels
Notary Public in and for
TRAVIS COUNTY, TEXAS

305 South Congress Ave., P.O. Box 670, Austin, Texas 78767-0670 512-445-3541

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TRICT, LOCALLY KNOWN AS 6601
JESTER BOULEVARD, IN THE CITY OF
AUSTIN, TRAVIS COUNTY, TEXAS.